

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

DIANA R. NEZ,

Plaintiff,

vs.

Civ. No. 98-163 MV/WWD

BHP WORLD MINERALS, DIVISION OF
B.H.P. MINERALS, A BUSINESS GROUP
OF THE BROKEN HILL PROPRIETARY COMPANY,
LTD., an Australian Corporation d/b/a SAN JUAN
COAL COMPANY, INC., a Delaware corporation,

Defendant.

MEMORANDUM OPINION AND ORDER

This matter comes before the Court upon Plaintiff's Motion to Compel Production of Documents filed December 28, 1998. Plaintiff's first request for production of documents contained twenty requests for production. Defendant objected to every request in whole or in part except for Request No. 8. With respect to Request Nos. 1, 2, 3, 14, 15, 16, and 17, Defendant indicated that certain production either had been made or would be made and then went on to indicate that it objected to the request on various grounds "to the extent this request seeks additional information." I find that Defendant's objections are well taken with respect to Request Nos. 1, 2, 4, 5, 6, 7, 9, 11, 12, 13, 14, 17, 18, 19, and 20.

Request Nos. 15 and 16 each seek information from January 1995 "until present, including up time of trial." (Emphasis supplied.) Request Nos. 5 and 6 each seek the Defendant's "entire employment file" on certain retired employees "from the beginning of his employment to present,

including grievances and complaints and their resolution, if any, including grievances and complaints and their resolution, if any" (emphasis added). I decline to edit the ineptly drawn requests. Mr. Gallegos' practice in this lawsuit raises serious questions as to his ability to represent clients before this Court.

I find that Defendant's responses to Request Nos. 3 and 8 are adequate. Defendant's responses to Request Nos. 15 and 16 indicate that employee time records for the "time period March 31, 1996 through September 26, 1998 are available for inspection and copying." Plaintiff's Request Nos. 15 and 16 seek materials from January 1995 until the present. I am not persuaded that production for the longer period sought by Plaintiff would be unduly burdensome, or that it should be denied on a question of relevance; therefore, production should be made in accordance with the Plaintiff's request with respect to Request Nos. 15 and 16. I do not find Request No. 10 to be overly broad, unduly burdensome, or ambiguous. The materials sought in Request No. 10 should be produced.

WHEREFORE,

IT IS ORDERED that on or before January 18, 1999, Defendant shall produce to Plaintiff all the materials sought in Requests for Production Nos. 10, 15, and 16.

IT IS FURTHER ORDERED that in all other respects Plaintiff's Motion to Compel Production of Documents be, and it is hereby, **DENIED**.


UNITED STATES MAGISTRATE JUDGE